

**U.S. COMMODITY FUTURES TRADING COMMISSION**

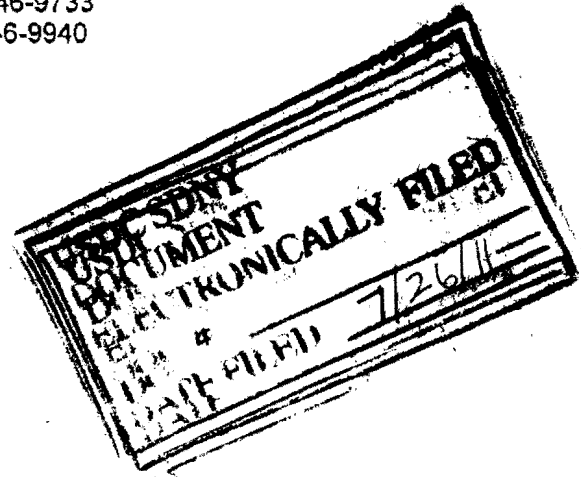
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Division of
Enforcement

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July 26, 2011

Honorable Theodore H. Katz
United States Magistrate Judge
United States District Court
Southern District Of New York
500 Pearl Street
New York, New York 10007



Re: *CFTC v. Optiver, et al.*, 08 civ. 6560 (LAP)(THK)

Dear Magistrate Judge Katz:

During yesterday's telephone conference in this matter, Your Honor requested that the CFTC's Division of Enforcement Director, David Meister, attend the first mediation session next Friday, August 5, 2011. Unfortunately, Mr. Meister is unavailable on August 5 but, as an alternative, Vincent A. McGonagle, the Senior Deputy Director of the Division, is available and can attend next week's mediation session along with Ms. Sultan and me. If this is acceptable to Your Honor, we respectfully request that the mediation go forward next week as scheduled.

During yesterday's call, the Parties also discussed with you the likelihood of a second mediation session during the week of August 22d. Mr. Meister is available that week and, once the Parties agree on a date for that week, Mr. Meister will attend that session.

If Your Honor wishes to discuss this via telephone, Plaintiff will contact Defendants' counsel and arrange a call at the Court's convenience.

Respectfully submitted,

David Acevedo
Attorney for Plaintiff
(646) 746-9754

now.

SO ORDERED

7/26/11

Theodore H. Katz
THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE

cc: Paul Dengel, Esq., Counsel for Optiver Defendants (via email)
Stacie Hartman, Esq., Counsel for Optiver Defendants (via email)
David Rosenbloom, Esq., Counsel for Defendant Christopher Dowson (via email)
Patrick Collins, Esq., Counsel for Defendant Bastiaan van Kempen (via email)